

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, April 12, 2018, in the Cranston High School East Auditorium, 899 Park Ave., Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:05 P.M. by the Chair.

Present: Council Vice-President Michael W. Favicchio
Councilman Trent M. Colford, Sr.
Councilman Paul H. Archetto
Councilman Kenneth J. Hopkins, Vice-Chair
Councilman Christopher G. Paplauskas, Chair
Council President Michael J Farina

Also Present: Councilman Steven A. Stycos
Councilman John E. Lanni, Jr.
Councilman Paul J. McAuley
Steven Marsella, Assistant City Solicitor
Evan Kirshenbaum, City Council Legal Counsel
Maria Medeiros Wall, City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice President Favicchio, seconded by Councilman Colford, it was voted to dispense with the reading of the last meeting and they stand approved as recorded. Motion passed unanimously.

CORRESPONDENCE/COMMUNICATIONS

OLD BUSINESS/PUBLIC HEARINGS:

- 10-17-03** **Ordinance amending the Comprehensive Plan of 2010 (Cumberland Farms – Intersection of Park and Warwick Ave.). Sponsored by Council President Farina, Council Vice-President Favicchio and Councilmen Colford and Paplauskas. Cont. 2/15/2018.**
- 10-17-04** **Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – Warwick and Park Intersection). Sponsored by Council President Farina, Council Vice President Favicchio and Councilmen Colford and Paplauskas. Cont. 2/15/2018.**

John Boston, Esq., appeared to represent the applicant and stated that the subject properties consist of four lots, three are currently already Zoned Commercial C-2 and one lot is Zoned C-1. The entire property consists of approximately 50,000 sq. ft. of land; 44,463 sq. ft. of land is already Zoned Commercial so it is important to note that 88% of the land being discussed this evening is already Zoned Commercial C-2. The applicant is requesting a re-zone of all four lots to C-3 for a number of reasons, the most important, in his opinion, is a gas station is currently allowed by special use permit under property that is Zoned Commercial today. 88% of this land can properly be used today for a gas station by special use permit. If this City Council grants this Zone change, a gas station will be allowed by special use permit only on this land. No action that this Council will take on this Zone Change would give the property owner any more rights to have a gas station on this land that exists today. The reason for the request for Zone Change is the convenience store can go on that property today by right without any special use permit. The Zoning Ordinance states that if you were to combine a gas station and a convenience store on one lot, you need a C-3 Zoning and a special use permit. Should the Zone Change pass, his applicant would still need a special use permit for the gas station. His applicant feels it is important to do this Zone Change because it would allow the site to be developed in a consolidated way so that you don't have a gas station on one of the lots and a convenience store on another lot and you can't combine the curb cuts and make the access, make the sidewalks, make the landscaping, make a nice development. The reason the lots on the end are included is because his client plans to move the curb cuts further away from the intersection as they can to create a safe access to the site. Adding those lots would also allow them to do additional landscaping and additional buffer so that they can buffer the gas station from the neighbors much further than they could today if they did not do this Zone Change. Attorney Bolton stated that he has two witnesses present this evening if there are any questions and the third witness, Joe Lombardo, Planning Expert, is out of the country, but presented his report for the record.

Philip Henry, Civil Engineer, appeared to speak and addressed the proposed development. He stated that the proposal is for a 49,000 sq. ft. convenience store, 20 parking spaces mostly for the convenience store. There will be four dispensers on the easterly edge. Those four dispensers would support eight vehicles at one time. There will also be two 20,000 gallon underground storage tanks located on the east side.

Attorney Bolton asked Mr. Henry if this area complies with Zoning. Mr. Henry stated, yes, it does. Mr. Henry also addressed the existing sidewalks along the frontage and stated that there are areas that are in good condition, but along the frontage particularly at the intersections, it lacks the necessary ADA access. As part of this project, the developer proposes to redo the sidewalks. As to the curb cuts, there are currently five curb cuts and they are proposing to have two curb cuts. Some of the changes made with this proposal from the proposal in 2015 are in 2015 the proposal was for six dispensers where this proposal is for four.

Maureen Chlebek, 14 Break Neck Hill Rd., Lincoln, Civil Engineer, appeared to speak and presented a report analysis. She stated that in her report, she did a five-year analysis. She addressed the traffic and taking into consideration this project and stated that a lot of the traffic would be people who are already on the roadway.

Attorney Bolton asked Ms. Chlebek if in her professional opinion, this proposed project will have any significant negative impact in the overall traffic in the area. Ms. Chlebek stated, not it would not.

John Bolton stated that those are his only two witnesses, but I would like to reserve the opportunity to respond to any questions.

Chairman stated that the Committee would like to hear from the other petition for 350 Park Ave at this time and asked them to come up.

John Dibona, Esq., 481 Atwood Ave., appeared to represent Park East Realty, Inc. in regards to proposed Ordinance 1-18-02 and stated that this is the property known as the former Block Buster building and whatever the use will be, the applicant would have to go through Planning Review Process. The Planning Commission asked if there was a traffic study, but you can't do a study until you know what the use will be. The Planning Review Process is an extensive process that involves Police, Fire, Planning, Traffic Engineer and a traffic study for drainage locations. He also stated that it is important to note notice was given to property owners within 200' radius. Mr. Pezzullo's recommendation and finding was that the proposed zone change is in conformance with the Comprehensive Plan, C-1, 2 or 3. If this Zone Change is not granted, only thing his client can do is rent out the property as single family resident and no one is going to rent that as a residence. The reason his client is seeking C-3 is for Commercial Daycare, which is not Zoned in a C-2 and the other interest in the property has been for an urgent care facility. His client is seeking approval for all uses in C-2 and limited or restricted C-3, as shown in Exhibit A to commercial daycare and urgent care facility.

Chairman stated that the Committee will now hear from anyone for or against and asked that the speakers state their name, address and any education that they would want to share and comments will be limited to 4 minutes

Ashley Sweet, Warwick, appeared to speak and stated that she has a Master's Degree from URI in Community Planning and she is involved in professional planning & consulting and is present to represent the Edgewood Preservation Society on both matters mainly regarding the Cumberland Farms matter. The group is not against the revitalization of this corner and recognize that it's in a state of disrepair and needs to have something done and want that, but the problem is that the plan before the Committee is not in conformance with Comprehensive Plan. You have report which was submitted to you earlier. The two end properties involved are both zoned residential. They're proposing to tear those down and combine them with the middle properties. This will be completely out of scale with anything in the neighborhood.

Ms. Sweet also stated that there are aerial photos in her report so the Committee can see it actually dwarfs the neighborhood. We heard about traffic and will hear more. The concern is that people who have avoided the area will change their routes and go there to go pick up a coffee in the a.m. The Planning Department did say it was consistent with the Comprehensive Plan, but what she thinks is there was an over focus on the future land use map and less on the text itself. She provided the Committee with multiple pages of quotes from the Comprehensive Plan that talks about what is the future for Cranston. A couple of important ones is protecting and stabilizing residential neighborhoods by making land use decisions based on neighborhood needs and quality of life and to protect natural and historic areas within existing neighborhoods and in addition, support residential development patterns that stabilize the residential block in residential neighborhoods. They are the backbone of Cranston. The theme that runs through the Comprehensive Plan is to protect the neighborhood and we feel strongly that this proposal does not do that. This is not a City Wide issue. She also addressed the former Block Buster site and stated that the neighborhood is not opposed to revitalization as it doesn't lend itself to residential property, but there are no C-3 Zones within any reasonable distance of that property. There are C-2 Zones several blocks down. The Society suggests that C-2 Zoning is appropriate on that site, and don't believe that making exceptions to the zoning is a good practice. Approving C-3 and limiting it to certain uses is not a good practice. Spot zoning which is singling out a certain piece of property for the benefit of the owner would be a detriment to others. Spot zoning is the antithesis of good Planning.

Pamela Hanson Cardone, broker/owner of properties, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Lori Dorsey, 7 PilgrimDr., appeared to oppose to proposed Ordinances 10-17-3 and 4 and stated that the traffic study was done in November. She knows from living in the area for a long time that the traffic is most heavy during the summer. This is the only road that goes from Route 10 to Warwick Ave. and traffic can't go through the Park since the road was made one-way. This is a serious problem.

Francesca Bishop, 25 Engleside Ave ., appeared to oppose to proposed Ordinances 10-17-3 and 4 and read statements to that affect.

Sheila Resseger, 50 Malvern Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

William Rose appeared to oppose to proposed Ordinances 10-17-3 and 4.
appeared to oppose to proposed Ordinances 10-17-3 and 4.

David Fewster, 48 Eastern Ave., East Providence, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Paul Pelletier, 93 Sundland Rd., Exeter, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Steve Weinstein, 84 Norwood Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Michael Capp appeared to oppose to proposed Ordinances 10-17-3 and 4.

Robert Santurri, Jr., 30 Egan Rd., appeared to oppose to proposed Ordinances 10-17-3 and 4 and asked that the City Council give the residents the respect they deserve. He also stated that Cranston has an abundant amount of gas stations.

Eric Bazinet appeared to oppose to proposed Ordinances 10-17-3 and 4.

Jeff Gale, 44 Paine Ave., School Committee Member, appeared to oppose to proposed Ordinances 10-17-3 and 4.

John Michaelson, 18 Henry St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Grace Michaelson, 18 Henry St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Christine Althaide, 37 Henry St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Robert Jones, 12 Essex St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Adrienne D'Arconte, 202 Armington St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Marcia Fowler, 35 Milton Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

James Wadsworth, Long St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Diane Lewis, 183 Park Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Cherie Jones, 391 Princess Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Annette Bourne, 51 Community Dr., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Jill Finkle, 55 Roger Williams Circle, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Michael Jones, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Dana Holmgren, 161 Ferncrest Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Heather Murray appeared to oppose to proposed Ordinances 10-17-3 and 4.

Cynthia Langly, 180 Carpenter St., Providence, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Mike Milito, 93 Moorland Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Cindy Dugas, 78 Leslie St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Ray Mountain, 32 Henry St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Michael Schlesinger, 96 Ocean Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Kim Ladefian, Treasurer of Edgewood Cultivation Society, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Moral Tashan, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Emily Olson, 50 Henry St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

John Visich, 54 Ingleside Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4 and 1-18-02 ad stated that the property at 350 Park Ave. has been vacant for eight years. He stated that the property taxes do not go down when the property values go down. He questioned why anyone would allow one of the richest family in RI to get richer at the taxpayers' expense.

Thomas Ferry, appeared to oppose to proposed Ordinances 10-17-3 and 4.

Allan Spivak, 45 Henry St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Senator Robert Jacquard, 34 Sagamore Rd., appeared to speak and stated that he did not get involved when this applicant came before the Council for a Zone Change last time, but he is alarmed by the fact that this application is being reconsidered again two years later. Though this is not in his Ward the people of Edgewood have come to his support in the past, and this Council has never approved a zoning ordinance against the wishes of the community.

Jen Miller, 1900 Broad St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Lisa Gibb, 45 Rhodes Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Pat April, 130 Park Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Michelle King-Green, 45 Prospect St., appeared to oppose to proposed Ordinances 10-17-3 and 4.

Gretchen Bingle, 27 Perrenial Dr., member of the Garden City Alliance, appeared to speak and stated that she is present this evening to support residents of Edgewood.

Henry Palazzo, Natick Ave., appeared to oppose to proposed Ordinances 10-17-3 and 4.

On motion by Council President Farina, seconded by Councilman Colford, it was voted to continue the meeting to Wednesday, April 18, 2018 at 6:00 p.m. for vote only. Motion passed on a vote of 5-1. The following being recorded as voting "aye": Council Vice-President Favicchio, Councilmen Colford, Hopkins, Papluskas and Council President Farina -5. Nay - Councilman Archetto.

1-18-02 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone - 350 Park Avenue. Petition filed by Park East Realty, Inc. Cont. 2/15/2018.

PUBLIC HEARINGS/NEW BUSINESS: None.

The meeting adjourned at 10:38 p.m.

Respectfully submitted,

Maria Medeiros Wall, JD
(Transcribed from Allied stenographic audio recording by
Rosalba Zanni, Assistant City Clerk/Clerk of Committees)